

[No. 341, S.]

[Published April 11, 1889.]

## CHAPTER 329.

AN ACT to amend section 4, of chapter 169, of the laws of Wisconsin for the year 1887, entitled, "An act to provide for the drainage and reclamation of certain lands in Racine and Waukesha counties."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amending section 4, chapter 169, laws 1887.

SECTION 1. Section 4, of chapter 169, of the laws of 1887, is hereby amended by adding at the end of said section the following, to-wit: "If during the pendency of any such proceedings it is discovered that lands described in the report of the commissioners are set down to the wrong person, or if notice of the filing of such report has been served on the wrong person, then, and in either such case, the commissioners may apply to the court for leave to amend their said report by inserting the name of the true owner, or for leave to serve the notice of the filing of said report on the true owner, as necessity may require. Upon filing such application, if it appears that lands described in said report are set down to the wrong person, the court shall make and enter an order fixing a time and place of hearing on said application, and requiring that notice thereof be given to the person or persons alleged to be the true owners, by personal service upon them of a copy of such order, if they reside in a county where such proceedings are had, and if they reside without the county by mailing a copy of such order to such person, securely enclosed in a post paid wrapper and addressed to him at his proper post-office address, at least ten days before the time of such hearing. If the person so notified offers no objection, or if on such hearing it appears to the court that the person whose name it is sought to insert in said report is the true owner of such lands, the court shall order that said amendment be made accordingly, and such person shall have notice of the filing of such report in the same manner as though his name

Amending petition and making service, duty of commissioners.

appeared in the report of the commissioners as originally filed. If from application so made it appears that notice of the filing of said report has been served on the wrong person, then and in such case the court shall make and enter an order requiring notice of the filing of said report to be given to such persons in the same manner as upon the filing of the original report," so that said section, when amended, shall read as follows:

Section 4. Upon the filing of such report, notice of such filing shall be personally served on each person whose name is mentioned in the report as owner of the land or other property affected or charged by assessments in said report, and the amount thereof, in case such owner shall be a resident of the county wherein said work is to be performed, and by publication by the clerk of the court in one or more newspapers published in said county, as the court shall direct, for three weeks following each filing, after the expiration of which time and the service of notices as aforesaid, twenty days shall be allowed for any owner of any of such lands or other person or corporation affected by the work proposed to remonstrate against the whole or any part of such proposed work. Such remonstrances shall be verified by affidavit, and shall set forth the causes, whether legal or jurisdictional objections, or that any lands are assessed too high or too low, or improperly, or that lands are assessed which ought not to be, or that lands should be, assessed which are not assessed, or by any person to whom damages are awarded, that they are inadequate, or by any person or municipality, that the public will not be benefited by the work proposed. The court or presiding judge may fix a time at any term, or appoint a special time for hearing the objections, and, on the demand of any person assessed for benefits or awarded damages, may frame an issue in said matter and impanel a jury and take the verdict of the jury upon the trial of such issue, whether the amount of damages which will be a just compensation therefor, and whether the assessment of benefits, as made by the report to any remonstrant commanding the review by a jury, is too high, and the jury may assess the same. If the court or presiding judge finds from a hearing duly had,

Notice of  
filing.

that the report requires modification, the same may be referred to the commissioners who may be required to modify their report in any respect. In any case between the commissioners and any remonstrant the court may award and apportion the costs as the justice of the case may demand, and costs awarded against the commissioners shall be paid out of the fund realized from the assessments made. If the finding of the court or presiding judge be in favor of the validity of the proceedings, the court, after the report shall have been modified to conform to the findings, or if there be no remonstrances, shall confirm the same, and the order of confirmation shall be final and conclusive, and the proposed work be established and authorized, and the proposed assessment approved, subject to the right of appeal to the supreme court as in other actions. If lands not described in the original petition are included in the report and assessments or awards of damages made thereon, the court or presiding judge shall direct the owners thereof to be notified and prescribe the manner of such notice and allow the owner to be heard as a remonstrant, as herein provided. If, however, a majority of the owners of the land to be charged with the expense of the proposed improvement shall join in a remonstrance in opposition to the system of drainage described in the petition and report of the commissioners, the court shall thereupon dismiss said proceedings, and the original petitioners shall pay the costs of the clerk of the court. If during the pendency of any such proceedings it is discovered that lands described in the report of the commissioners are set down to the wrong person, or if notice of the filing of such report has been served on the wrong person, then, and in either such case, the commissioners may apply to the court for leave to amend their said report by inserting the name of the true owner or for leave to serve the notice of the filing of said report on the true owner, as necessity may require. Upon filing such application if it appears that lands described in said report are set down to the wrong person, the court shall make and enter an order fixing a time and place of hearing on said application, and requiring that notice thereof be given to the person or persons

Amending  
petition.

alleged to be the true owners, by personal service upon them of a copy of such order if they reside in a county where such proceedings are had, and if they reside without the county by mailing a copy of such order to such person securely enclosed in a post-paid wrapper, and addressed to him at his proper post-office address, at least ten days before the time of such hearing. If the person so notified offers no objection, or if on such hearing it appears to the court that the person whose name it is sought to insert in said report is the true owner of such lands, the court shall order that said amendment be made accordingly, and such person shall have notice of the filing of such report in the same manner as though his name appeared in the report of the commissioners as originally filed. If from application so made it appears that notice of the filing of said report has been served on the wrong person, then and in such case the court shall make and enter an order requiring notice of the filing of said report to be given to such persons in the same manner as upon the filing of the original report.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1889.

[No. 370, S.]

[Published April 12, 1889.]

## CHAPTER 330.

AN ACT relating to the maintenance and care of the chronic insane in counties having a population of more than one hundred thousand, and an asylum therefor.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :*

SECTION 1. The trustees of any asylum for the treatment and maintenance of the chronic insane of any county having a population of more than one hundred thousand, shall continue in office

Care of chronic insane in counties of more than 100,000.